

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
MAY 4, 2010

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on May 4, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

Commissioner Drake and County Administrator Dean Cox were excused.

The Spectrum was represented by Brian Ahern at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for April 21, 2010, through May 4, 2010
- Consideration of Regular Commission Meeting Minutes of April 20, 2010
- Consideration of Administrative Adjustments: Real Property
- Consideration of Administrative Adjustments: Personal Property
- Consideration of Applications for Property Tax Abatements (20)
Darlene Aguiar, S/N W-WSR-1-8; Donnavieve Avery, S/N SG-SFTH-4-66; Lorraine Condie, S/N H-41-B-2; Ernest Ellison, S/N SC-EGS-1-1; Audria Elmore, S/N H-PNSO-2-55; Michael Francis, S/N B001459; Tamara Frankino, S/N SG-SETH-7; Patricia Henderson, S/N SG-BLH-9-131; Stuart King, S/N SG-RIOU-3-121; Jacques Vernon, S/N LV-3-B; George Maloney, S/N W-WP-2-69; Susan Mules, S/N SG-PDES-8-120; Nora Nelson, S/N SG-RBE-A-9-D-1; Robert Pritchett, S/N SG-VIN-4-203; Jerry Reid, S/N W-WHE-1-30; Edith Sparks, S/N SG-PXCT-3-125; Raymond Sylvester, S/N DVA-2-A-49-SW; Kevin Stanworth, S/N H-178; Maurice TietJen; S/N SG-BR-1-33; and Douglas Wardle, S/N I-ISMH-8
- Consideration of Applications for Settlement or Deferral of Property Taxes (2)
Vicki Baldwin, S/N I-PC-7-1 and Barbara Williams, S/N NEH-1-8-13-NS
- Acknowledgment of Publishing, Ordinance No. 2010-993-O, on April 24, 2010

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION
MEETING / 04-27-10**

No items were presented today.

MOTION: Motion by Commissioner Gardner to Approve the Consent Agenda Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

VOLUNTEER OF THE MONTH/ LINDA SAPPINGTON

No presentations were made today.

WASHINGTON COUNTY SHERIFF'S OFFICE STATUS REPORT / CORY PULSIPHER

Lt. Cory Pulsipher of the Washington County Sheriff's Office reported on the Ironman Triathlon event that occurred on Saturday, May 1, 2010.

- Meetings have been ongoing for at least one year in preparation for this event.
- Chief Excel, head of the Exercise Committee (which addresses planning and preparation for incidents within the community), said the goal was to have the best first event in the history of the Ironman.
- In meetings with Ironman representatives yesterday, it was confirmed that this was the best-run first event ever in its history.
- Every law-enforcement agency in the County was involved in this event, and volunteers from other counties assisted.
- It would be advisable to improve communications by effecting repairs on several repeater towers.
- There were two thousand and fifty (2,050) participants registered; one thousand nine hundred fifty (1,950) started the race; one thousand six hundred forty-three (1,643) actually finished the race.
- An unusually low water temperature in the Sand Hollow Reservoir proved difficult for some participants to overcome.

Additionally, the Sheriff's Office is partnering with Dixie Applied Technology to provide an educational program for ten (10) inmates to help build a new building, a project which will improve chances for these inmates to learn new skills and find employment upon their release.

PURCHASE REQUESTS / MARK BLANCH

- Dixie Center, floor preparation \$ 18,400.00
- Dixie Center, carpet 95,601.00
- Library, Horizon software and implementation 21,510.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Purchase Requests as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

PRESENTATION OF WASHINGTON COUNTY BUSINESS PATRIOT AWARDS TO AMERICAN TRAFFIC SERVICE, LLC, QUALITY EXCAVATION, AND RED ROCK EARTHMOVERS, INC.

Commissioner Eardley recognized American Traffic Service, LLC, Quality Excavation, and Red Rock Earthmovers, Inc. as businesses in the community who E-Verify their employees for legal status prior to hiring.

PRESENTATION BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT / JULIE BRECKENRIDGE

Julie Breckenridge of the Washington County Water Conservancy District (“District”) reported on current conservation projects and programs with which the District is involved. A copy of her report is available from the Washington County Commission Office.

CONSIDERATION OF ORDINANCE NO. 2010-994-O, AN ORDINANCE CHANGING THE ZONE OF A PARCEL OF PROPERTY FROM C-1 ZONE (NEIGHBORHOOD COMMERCIAL) TO C-2 ZONE (HIGHWAY COMMERCIAL) FOR A BED AND BREAKFAST ON LOWER KOLOB MOUNTAIN

The applicant told the Planning Commission that he has remodeled the facility as a single family residence and would like to establish a Bed and Breakfast, which is a permitted use in the C-2 (Highway Commercial) zone. The principal objective in establishing the C-2 highway commercial zone is to provide area within the county where facilities that serve the traveling public can be most appropriately located. The General Plan depicts this area as being Agricultural in nature.

Facts/Findings:

- Changing zone from a C-1 to a C-2 is in compliance with the request
- Based upon John Willie's testimony and the county assessor's records, one (1) acre was zoned C-1 and the other four-point-four-two (4.42) acres were zoned OST-20 and considered agricultural; therefore, the change is consistent with the General Plan
- The zone change does not negatively impact the surrounding property
- The C-2 zone is more restrictive than the historical use of the property

The Planning Commission voted unanimously to recommend approval of the zone change from a C-1 to a C-2 for the one acre currently a C-1, based on the facts and findings, subject to the applicant submitting a boundary description.

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2010-994-O, An Ordinance Changing The Zone Of A Parcel Of Property From C-1 Zone (Neighborhood Commercial) To C-2 Zone (Highway Commercial) For A Bed And Breakfast On Lower Kolob Mountain. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1440, A RESOLUTION APPROVING THE EXECUTION OF THE COOPERATIVE WEED MANAGEMENT AREA MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON COUNTY AND VARIOUS FEDERAL AGENCIES, THE UTAH STATE INSTITUTIONAL TRUST LANDS ADMINISTRATION (ST. GEORGE OFFICE), VARIOUS STATE AGENCIES, VARIOUS NATURAL RESOURCE CONSERVATION DISTRICTS, THE KAIBAB BAND OF PAIUTE INDIANS, THE UNIVERSITY OF ARIZONA COOPERATIVE EXTENSION SERVICE, UTAH ASSOCIATION OF CONSERVATION DISTRICTS, DIXIE CONSERVATION DISTRICT, THE WASHINGTON COUNTY HABITAT CONSERVATION PLAN (HCP), THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT, AND VARIOUS CITIES AND TOWNS WITHIN WASHINGTON COUNTY

Chairman Eardley said that this Memorandum of Understanding (MOU) for noxious weed eradication has been under review for several years. Commissioner Gardner added that this MOU includes agencies from both Utah and Arizona.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1440, A Resolution Approving The Execution Of The Cooperative Weed Management Area Memorandum Of Understanding Between Washington County And Various Federal Agencies, The Utah State Institutional Trust Lands Administration (St. George Office), Various

State Agencies, Various Natural Resource Conservation Districts, The Kaibab Band Of Paiute Indians, The University Of Arizona Cooperative Extension Service, Utah Association Of Conservation Districts - Dixie Conservation District, The Washington County Habitat Conservation Plan (HCP), The Washington County Water Conservancy District, And Various Cities And Towns Within Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1441, A RESOLUTION APPROVING THE TERMINATION OF AN AGREEMENT BETWEEN AFFORDABLE PLUMBING AND ROOTER AND WASHINGTON COUNTY, DATED JULY 1, 2007, TO CLEAN AND MAINTAIN SUPPLIES IN THREE (3) OUTHOUSES, TWO (2) AT CHUCKWALLA TRAILHEAD NORTH OF SNOW CANYON PARKWAY AND ONE (1) AT THE COTTONWOOD TRAILHEAD NORTHWEST OF THE WALMART DISTRIBUTION CENTER IN HURRICANE) AND TO EXECUTE A NEW AGREEMENT BETWEEN AFFORDABLE PLUMBING AND ROOTER AND WASHINGTON COUNTY TO CLEAN AND MAINTAIN THE OUTHOUSES AT THE CHUCKWALLA TRAILHEAD

Deputy County Attorney David Patterson explained that the Bureau of Land Management (BLM) is taking over the maintenance of the outhouse at the Cottonwood Trailhead northwest of the Walmart Distribution Center in Hurricane.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1441, A Resolution Approving The Termination Of An Agreement Between Affordable Plumbing And Rooter And Washington County, Dated July 1, 2007, To Clean And Maintain Supplies In Three (3) Outhouses, Two (2) At Chuckwalla Trailhead North Of Snow Canyon Parkway And One (1) At The Cottonwood Trailhead Northwest Of The Walmart Distribution Center In Hurricane) And To Execute A New Agreement Between Affordable Plumbing And Rooter And Washington County To Clean And Maintain The Outhouses At The Chuckwalla Trailhead. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1442, A RESOLUTION APPROVING THE EXECUTION OF AN APPRAISAL CONTRACT BETWEEN FREE AND ASSOCIATES, INC. AND WASHINGTON COUNTY TO APPRAISE

PROPERTY IN THE CONFLUENCE PARK THAT IS PRESENTLY OWNED BY KEN ANDERSON FOR THE PURPOSE OF A POSSIBLE PURCHASE BY THE VIRGIN RIVER LAND PRESERVATION FUND TO BENEFIT OTHER SPECIES (AQUATICS)

Habitat Conservation Plan (HCP) Administrator Robert Sandberg said that this parcel of property is adjacent to the existing Confluence Park, which is in the LaVerkin/Hurricane area at the confluence of Ash Creek, LaVerkin Creek, and the Virgin River. Requests for Proposals have been issued for surveying and appraising of this property. Funding will be sought by the Virgin River Land Preservation Fund (VRLPF) if an agreement can be reached on a purchase price with Mr. Ken Anderson.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1442, A Resolution Approving The Execution Of An Appraisal Contract Between Free And Associates, Inc. And Washington County To Appraise Property In The Confluence Park That Is Presently Owned By Ken Anderson For The Purpose Of A Possible Purchase By The Virgin River Land Preservation Fund To Benefit Other Species (Aquatics). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1443, A RESOLUTION APPOINTING AN EXECUTIVE COUNCIL BOARD MEMBER TO THE SOUTHERN UTAH SHOOTING SPORTS PARK BOARD

Chairman Eardley said that Jeff Bailey is being replaced by Ms. Sheri Vigil, who has expressed a willingness to serve on this board.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1443, A Resolution Appointing Ms. Sheri Vigil as An Executive Council Board Member To The Southern Utah Shooting Sports Park Board. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1444, A RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM DEED FROM WASHINGTON COUNTY TO JOHN AND DIANNA HAFEN

Mr. Patterson explained that this quit claim refers to the vacating of a road in the Pinto area and removes any potential cloud on the title.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1444, A Resolution Approving The Execution Of A Quit Claim Deed From Washington County To John And Dianna Hafen. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1445, A RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM DEED FROM WASHINGTON COUNTY TO WASHINGTON CITY

This quit claim deed concerns a strip of property along 300 East in Washington City that the City desires to convert into a park. The County, in a spirit of cooperation, desires to deed that property to the City for that purpose.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1445, A Resolution Approving The Execution Of A Quit Claim Deed From Washington County To Washington City. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1446, A RESOLUTION APPROVING THE EXECUTION OF A CONTRACT REVISION BETWEEN MRW DESIGN ASSOCIATES INCORPORATED AND WASHINGTON COUNTY TO EXPAND THE SIZE OF THE WASHINGTON COUNTY JUSTICE CENTER FROM 18,000 SQUARE FT. TO 22,225 SQUARE FT.

This contract revision enhances the prospect of leasing space in the new Justice Center to a state entity, which will assist in the financing of the building. Enlarging the square footage will provide additional parking area next to the new Fifth District Court, which is used extensively by the County Attorney's Office.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1446, A Resolution Approving The Execution Of A Contract Revision Between MRW Design Associates Incorporated And Washington County To Expand The Size Of The Washington County Justice Center From 18,000 Square Ft. To 22,225 Square Ft. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

COUNTY CREDIT CARD COMPLIANCE POLICY / RINDA HUNTER

Deputy County Treasurer Rinda Hunter said that the usage of credit cards has grown over the years, and because of identity theft a new standard of operations has been created in

the industry. In order for the County to be in compliance, the Treasurer's Office has written a concise but thorough policy to protect the County from fines in the future in case of a breach in security. The policy will also be a training tool for each of the departments in utilizing credit cards.

MOTION: Motion by Commissioner Gardner to Adopt County Credit Card Compliance Policy. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:41 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN